

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

JACQUELYN MARES, M.D.,

Plaintiff,

V.

MIAMI VALLEY HOSPITAL, et al.

Defendants.

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) Civil Action No. 3:20-cv-00453
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) Judge Michael J. Newman
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**JOINT MEMORANDUM IN OPPOSITION TO PLAINTIFF’S MOTION TO MODIFY
PRELIMINARY PRETRIAL CONFERENCE ORDER**

The Defendants oppose Plaintiff's Motion to Modify Preliminary Pretrial Conference Order (Doc#27). A separate response will be filed in connection with Plaintiff's subsequent but related Motion for Leave to Take Discovery (Doc#28). This case has been ongoing since June of 2019. Plaintiff originally filed this case in state court and voluntarily dismissed it in lieu of responding to the defendants' dispositive motions. She then refiled in federal court.

Plaintiff claims that modification of the case schedule is necessary to allow her a reasonable opportunity to conduct discovery and to respond to the pending dispositive motions. She has had two and a half years to conduct discovery, but has neglected to do so. Plaintiff also claims that more time is needed because the pending motion for summary judgment is supported by the Affidavit of Dr. Zyrd. That Affidavit was originally filed in the state court proceedings with the Defendant Miami Valley Hospital's motion for summary judgment on September 11, 2019. Plaintiff has had more than two years to conduct whatever discovery she needed in relation to Dr. Zyrd's Affidavit.

Plaintiff's request – made 17 days before the discovery deadline and after her deadline to respond to the dispositive motions had passed – is not timely and would be highly prejudicial to the Defendants. For these reasons, the Defendants respectfully request that the Court OVERRULE the Plaintiff's Motion to Modify Preliminary Pretrial Conference Order.

Respectfully submitted,

/s/ Karen T. Dunlevey

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was electronically filed and will be served upon all counsel of record through the Court's Case Management and Electronic Case Filing (CM/ECF) system on December 20, 2021.

/s/ Karen T. Dunlevey

Karen T. Dunlevey

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